utilization of funding devoted to public safety communications, to promote research and development by both the public and private sectors for first responder communications, and for other purposes.

S. 1793

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 1793, a bill to extend certain apportionments to primary airports.

S. 1794

At the request of Mr. DURBIN, the names of the Senator from Nevada (Mr. REID), the Senator from New York (Mr. SCHUMER) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1794, a bill to establish a Strategic Gasoline and Fuel Reserve.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER:

S. 1810. A bill to amend the Outer Continental Shelf Lands Act to allow certain coastal States to share in qualified Outer Continental Shelf revenues; to the Committee on Energy and Natural Resources.

Mr. WARNER. Mr. President, I rise to introduce the Outer Continental Shelf Revenue Sharing Act of 2005.

Earlier this year, the Congress passed a bill, and the President signed it into law. It is the first comprehensive energy package in over a decade.

Great strides were made in addressing the Nation's energy needs. This new law contains a number of valuable conservation measures and, as the chairman of the Energy Committee once stated, passage of this legislation means we will need 170 fewer powerplants by 2020. On the energy supply side, however, we still have much work to do. The recent disruptions in the Nation's energy supply caused by Hurricanes Katrina and Rita—tragedies, natural disasters of proportions never really seen before in this county—underscore the fragility of our energy supply system. The estimates are that 20 to 25 percent of our energy needs come in through that narrow nexus of Louisiana and Mississippi, right in that area.

During debate on the bill, I offered an amendment to provide for an increased domestic supply of oil and natural gas from Outer Continental Shelf lands. Regrettably, my amendment and other similar measures were not successful.

I thank the distinguished manager of that bill, Mr. DOMENICI, and others. They gave me a great deal of encouragement, as did the Senators from Louisiana, who likewise participated in that debate. But, nevertheless, I was not successful. I did say—and I suppose in a prophetic way—and I remember beckoning to fellow Senators on the floor, ''The day will come when I will once again stand on this floor and offer this same legislation, not knowing, of course, of the tragedies of Katrina. But that did give this Nation a serious wake-up call as to the fragility of our energy system.

Again, the tragic events of the past month along the gulf coast have thrust the issue of energy supplies back into the spotlight. We need only look at the rising gas prices all over our pumps in this Nation's land, where people—men and women—on small budgets are struggling to find the resources to meet their daily requirements of the use of the automobile and to inject these increased gasoline prices into their budgets. Prices at the pump have climbed quickly, and with the winter heating season approaching, we can expect natural gas and home heating oil prices to increase, perhaps going as high as 50 percent more than last year's level.

We need to address our inadequate refining capacity and expand conservation incentives. With more than 30 percent of our domestic supply of oil coming in from the Gulf of Mexico and a significant portion of our refining capacity located in the Gulf States, we must also look at ways to increase and diversify the location and sources of our domestic supplies of energy, as well as the refining capabilities; and natural gas, likewise.

Before passage of the energy bill, production revenues totaling more than $7.5 billion annually from offshore oil and gas belonged to the Federal Government. This is an inconsistent policy, however, because 55 percent of the revenues from land-based oil and gas production has always been returned to the States. The one exception to this rule is Alaska, which receives back 90 percent of such revenues. Thanks to the diligence of my colleagues from Louisiana, this inequity was partially addressed in the energy bill by providing that current offshore energy-producing States will now share in the Federal Government's royalties.

Indeed, it is a matter of fairness that these revenues be shared with the energy producing States. After all, it is the states closest to oil and gas production facilities that are assuming the risks that those production facilities will not have harmful environmental or economical impacts. Tourism is often the lifeblood of these regions which could be adversely affected by any environmental accidents. So it is very appropriate that they should receive a share of the revenues derived from offshore oil and gas production.

While the issue of revenue sharing was addressed in the energy bill for States currently producing oil and gas off their coasts, it does not include a comprehensive policy for offshore production opportunities.

Specifically, the bill does not allow other States to share revenues when and if they ever become producing regions. As we all know, the production of oil and natural gas has been subject to a moratorium along most of the Nation's coastline. While this moratorium has been in effect for some time, many Americans believe that it is now time to reevaluate its need. This past year in Virginia, both houses of the state legislature passed legislation asking for production to occur off the Virginia coast if the State is allowed to receive a share of the revenue. I think the rising costs of oil and gas are now leading other States to consider the same possibility.

The bill I am introducing today would provide a portion of revenues to States under the current moratorium that may decide to undertake future offshore exploration and production activities. My legislation is based, in large part, on the hard work of my colleagues who achieved a revenue-sharing proposal for their States and local governments in the recently enacted energy bill. The new law provides State and local governments with a share of the royalties from offshore energy production, but it is limited only to the five States that are currently exempt from the moratorium on offshore oil and gas leases.

As provided by current law, my bill requires the Federal Government to transfer 50 percent of the revenues received from any offshore leases to the States based upon the production levels. This would put oil and gas production in coastal areas on par with the production on other Federal lands throughout the United States. It is a matter of equity for all producing regions and represents a fair revenue-sharing model for the Federal and State governments.

My proposal does not affect the current moratorium on offshore energy production. As the moratorium expires, however, my legislation enables States that wish to pursue oil and gas production to be eligible for a portion of the royalty payments that otherwise would go exclusively to the Federal Government.

The amendment does not supersede a State's ability to veto any production proposals under their authority of the Coastal Zone Management Act, CZMA. It does not change the manner in which the Federal Government grants these production leases, and it does not lift the moratorium for any OCS land that is currently in place.

While I believe very strongly that the States should have a role in determining whether or not to utilize these resources, I also believe that they should receive a fair share of the revenues from any production that may follow.

I understand the concerns of some of my colleagues and their desire to avoid drawing specific boundary lines. While this amendment does not address all of the concerns, it offers a fair starting point to discuss this issue. It is my hope that we can all work together in addressing these concerns that will result in a commonsense approach to expand our domestic supply of oil and gas, to diversify the geographic concentration of our current industry, and to allow the States to have a role in the process.

Mr. President, the time has come for the Senate to speak boldly. We can all agree that more supply is needed and that there is a vast resource yet to be tapped. My proposal offers a fair way to encourage production in States that wish to do so. In the long term our Nation will benefit by reducing its dependence on foreign sources of energy and by diversifying the geographic source of our domestic supply.

I believe this proposal will solve a necessary part of the energy puzzle. I believe it is essential for our energy security, our economic security, and our national security to evaluate this, and other proposals, that address our energy supply needs.

Mr. President, as I say, today I introduce, again, this bill, which I put in a few months ago. It provides for the offshore drilling of oil. I recognize the sensitivity of that, but I say to my colleagues, we can not continually ignore these warnings, whether they are brought about by Mother Nature or political problems or wars or conflicts across our shores. Now is the time to lay down that framework of legislation for those States which, by actions taken by the Governor and the State legislature, say: We will permit offshore drilling off of this State's boundaries. Hopefully, we can receive for those States, should that take place, an additional source of revenue.

I ask unanimous consent that the text of the bill be printed in the RECORD, and I will seek to have it considered by the Senate as a whole at the earliest possible opportunity.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1810

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Outer Continental Shelf Revenue Sharing Act of 2005''.

SEC. 2. OUTER CONTINENTAL SHELF REVENUE SHARING.

Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended—

(1) in subsection (a)—

(A) by striking paragraph (7);

(B) by redesignating paragraphs (8), (9), and (10) as paragraphs (7), (8), and (9), respectively;

(C) in paragraph (8) (as redesignated by subparagraph (B)), by striking subparagraph (B) and inserting the following:

''(B) INCLUSION.—The term 'producing State' includes any State that begins production on a leased tract on or after the date of enactment of the Outer Continental Shelf Revenue Sharing Act of 2005, regardless of whether the leased tract was on any date subject to a leasing moratorium.''; and

(D) in paragraph (9) (as redesignated by subparagraph (B)), by striking subparagraph (C); and

(2) in subsection (b)(4), by striking subparagraph (E).

SEC. 3. ESTABLISHMENT OF SEAWARD LATERAL BOUNDARIES FOR COASTAL STATES.

Section 4(a)(2)(A) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(2)(A)) is amended—

(1) by inserting ''(i)'' after ''(A)'';

(2) in the first sentence—

(A) by striking ''President shall'' and inserting ''Secretary shall by regulation''; and

(B) by inserting before the period at the end the following: ''not later than 180 days after the date of enactment of the Outer Continental Shelf Revenue Sharing Act of 2005''; and

(3) by adding at the end the following:

''(ii)(I) For purposes of this Act (including determining boundaries to authorize leasing and preleasing activities and any attributing revenues under this Act and calculating payments to producing States and coastal political subdivisions under section 31), the Secretary shall delineate the lateral boundaries between coastal States in areas of the Outer Continental shelf under exclusive Federal jurisdiction, to the extent of the exclusive economic zone of the United States, in accordance with article 15 of the United Nations Convention on the Law of the Sea of December 10, 1982.

''(II) This clause shall not affect any right or title to Federal submerged land on the outer Continental Shelf.''.

SEC. 4. OPTION TO PETITION FOR LEASING WITHIN CERTAIN AREAS ON THE OUTER CONTINENTAL SHELF.

Section 12 of the Outer Continental Shelf Lands Act (43 U.S.C. 1341) is amended by adding at the end the following:

''(g) LEASING WITHIN THE SEAWARD LATERAL BOUNDARIES OF COASTAL STATES.—

''(1) DEFINITION OF AFFECTED AREA.—In this subsection, the term 'affected area' means any area located—

''(A) in the areas of northern, central, and southern California and the areas of Oregon and Washington;

''(B) in the north, middle, or south planning area of the Atlantic Ocean;

''(C) in the eastern Gulf of Mexico planning area and lying—

''(i) south of 26 degrees north latitude; and

''(ii) east of 86 degrees west longitude; or

''(D) in the Straits of Florida.

''(2) RESTRICTIONS ON LEASING.—The Secretary shall not offer for offshore leasing, preleasing, or any related activity—

''(A) any area located on the outer Continental Shelf that, as of the date of enactment of this subsection, is designated as a marine sanctuary under the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.); or

''(B) except as provided in paragraphs (3) and (4), during the period beginning on the date of enactment of this subsection and ending on June 30, 2012, any affected area.

''(3) RESOURCE ASSESSMENTS.—

''(A) IN GENERAL.—Beginning on the date on which the Secretary delineates seaward lateral boundaries under section 4(a)(2)(A)(ii), a Governor of a State in which an affected area is located, with the consent of the legislature of the State, may submit to the Secretary a petition requesting a resource assessment of any area within the seaward lateral boundary of the State.

''(B) ELIGIBLE RESOURCES.—A petition for a resource assessment under subparagraph (A) may be for—

''(i) oil and gas leasing;

''(ii) gas-only leasing; or

''(iii) any other energy source leasing, including renewable energy leasing.

''(C) ACTION BY SECRETARY.—Not later than 90 days after receipt of a petition under subparagraph (A), the Secretary shall approve the petition, unless the Secretary determines that a resource assessment of the area would create an unreasonable risk of harm to the marine, human, or coastal environment of the State.

''(D) FAILURE TO ACT.—If the Secretary fails to approve or deny a petition in accordance with subparagraph (C)—

''(i) the petition shall be considered to be approved; and

''(ii) a resource assessment of any appropriate area shall be carried out as soon as practicable.

''(E) SUBMISSION TO STATE.—As soon as practicable after the date on which a petition is approved under subparagraph (C) or (D), the Secretary shall—

''(i) complete the resource assessment for the area; and

''(ii) submit the completed resource assessment to the State.

''(4) PETITION FOR LEASING.—

''(A) IN GENERAL.—On receipt of a resource assessment under paragraph (3)(E)(ii), the Governor of a State in which an affected area is located, with the consent of the legislature of the State, may submit to the Secretary a petition requesting that the Secretary make available any land that is within the seaward lateral boundaries of the State (as established under section 4(a)(2)(A)(ii)) and that is greater than 20 miles from the coastline of the State for the conduct of offshore leasing, pre-leasing, or related activities with respect to—

''(i) oil and gas leasing;

''(ii) gas-only leasing; or

''(iii) any other energy source leasing, including renewable energy leasing.

''(B) ACTION BY SECRETARY.—Not later than 90 days after receipt of a petition under subparagraph (A), the Secretary shall approve the petition, unless the Secretary determines that leasing the area would create an unreasonable risk of harm to the marine, human, or coastal environment of the State.

''(C) FAILURE TO ACT.—If the Secretary fails to approve or deny a petition in accordance with subparagraph (B)—

''(i) the petition shall be considered to be approved; and

''(ii) any appropriate area shall be made available for oil and gas leasing, gas-only leasing, or any other energy source leasing, including renewable energy leasing.

''(5) REVENUE SHARING.—

''(A) IN GENERAL.—Beginning on the date on which production begins in an area under this subsection, the State shall, without further appropriation, share in any qualified outer Continental Shelf revenues of the production under section 31.

''(B) APPLICABLE LAW.—

''(i) IN GENERAL.—Except as provided in clause (ii), a State shall not be required to comply with subsections (c) and (d) of section 31 to share in qualified outer Continental Shelf revenues under subparagraph (A).

''(ii) EXCEPTION.—Of any qualified outer Continental Shelf revenues received by a State (including a political subdivision of a State) under subparagraph (A), at least 25 percent shall be used for 1 or more of the purposes described in section 31(d)(1).

''(6) EFFECT.—Nothing in this subsection affects any right relating to an area described in paragraph (1) or (2) under a lease that was in existence on the day before the date of enactment of this subsection.''.

SEC. 5. REGULATIONS.

(a) IN GENERAL.—The Secretary of the Interior shall issue such regulations as are necessary to carry out this Act and the amendments made by this Act, including regulations establishing procedures for entering into gas-only leases.

(b) GAS-ONLY LEASES.—In issuing regulations establishing procedures for entering into gas-only leases, the Secretary shall—

(1) ensure that gas-only leases under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) are not available in a State that (as of the day before the date of enactment of this Act) did not contain an affected area

(as defined in section 12(g)(1) of that Act (as added by section 4)); and

(2) define ''natural gas'' as—

(A) unmixed natural gas; or

(B) any mixture of natural or artificial gas (including compressed or liquefied petroleum gas) and condensate recovered from natural gas.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 1811. A bill to authorize the Secretary of the Interior to study the feasibility of enlarging the Arthur V. Watkins Dam Weber Basin Project, Utah, to provide additional water for the Weber Basin Project to fulfill the purposes for which that project was authorized; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 1812. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for the conjunctive use of surface and ground water in Juab County, Utah; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, in recent years, Utahns have suffered through a devastating drought. While it appears that we are beginning to return to normal precipitation levels, the drought has instilled in all Utahns the need to plan for the future and ensure sound management of our water resources. For that reason, I rise to introduce two important bills that will help make better use of Utah's scarce water supply.

The first bill is the Arthur V. Watkins Dam Enlargement Act of 2005. The bill would authorize the Bureau of Reclamation to conduct a feasibility study on raising the height of the Arthur V. Watkins Dam in Weber County. The dam is roughly 14 miles long and encloses a reservoir containing more than 200,000 acre-feet of water.

Thousands of Utahns currently rely on the water provided by the reservoir. And the Weber Basin is one of Utah's fastest growing areas, making the need to find additional water resources even more pressing. Enlarging the dam would help ensure that the area can meet its ever-increasing demand for water. In my view, expanding the dam is an easy way to increase water storage capacity in an area that desperately needs it.

The next bill I am introducing today, is the Juab County Ground Water Study and Development Act of 2005. This legislation would amend the Reclamation Projects Authorization and Adjustment Act of 2005 to include Juab County. It would allow Juab County to use Central Utah Project funds to complete water resource development projects, enabling the County to better utilize their existing water resources. It will ensure that farmers, ranchers, and other citizens of Juab County have a reliable water supply.

Under the original plan for the Bonneville Unit of the Central Utah Project, several counties in central Utah, including Juab, were to be delivered supplemental water through an irrigation and drainage delivery system. Over the years, however, many central Utah Counties have elected not to participate in the plan and no longer pay the requisite taxes to the Central Utah Water Conservancy District, the political division of the State of Utah established to manage CUP activities in Utah.

Unlike other central Utah Counties, Juab County remained active in the Central Utah Water Conservancy District's efforts and has paid property taxes to the District hoping to benefit from its membership. Unfortunately, that has not been the case. Presently, most of the water allocated to the Bonneville Unit of the Central Utah Project is planned for use in Wasatch, Salt Lake, and Utah Counties. This legislation would simply ensure that the citizens of Juab County can benefit from the system they help support.

I urge my colleagues to support these bills.

By Mr. CRAIG (for himself, Mr. ROBERTS, and Mr. BROWNBACK):

S. 1813. A bill to amend titles 10 and 38 of the United States Code, to modify the circumstances under which a person who has committed a capital offense is denied certain burial-related benefits and funeral honors; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I have sought recognition to comment on legislation I am introducing that will fix a problem that many of us thought was corrected 8 years ago. My legislation will close a loophole in the law that now allows capital offenders to be buried in America's national cemeteries. My legislation will ensure that no one who may be given a life sentence or who may be sentenced to death for murder will be honored at their funerals by the presence of a military funeral detail. And, finally, my legislation will direct the Secretary of Veterans Affairs, the Secretary of the Army, and other military service Secretaries to each prescribe a proactive process by which officials can ascertain whether there exists a burial or funeral honors prohibition on individuals who may have been capital offenders.

In 1997, the Congress learned that the perpetrator of the Oklahoma City bombings—Timothy McVeigh—was, in fact, eligible for burial and memorialization in a VA national cemetery and, under certain circumstances, Arlington National Cemetery. Largely, but not exclusively, in response to McVeigh's eligibility, Public Law 105–116 was enacted to deny interment in Arlington National Cemetery, VA National Cemeteries, and State veterans' cemeteries funded with VA grants, to any person convicted of a Federal capital crime or a State capital crime for which a sentence of death or life imprisonment without parole is given. Later, in 2002, Public Law 107–330 was enacted to deny to capital offenders VA-provided flags, headstones and markers, and Presidential Memorial Certificates. The intent of the 1997 and 2002 laws was clear: We should not bury brutal murderers alongside America's honored dead and we should not provide memorialization benefits to those who have so dishonored themselves through their own post-service conduct.

The circumstances surrounding the placement of the cremated remains of a convicted double-murderer—Russell Wayne Wagner—at Arlington National Cemetery in late July caused me, and many of my colleagues, to wonder what impact the 1997 law actually had. The media coverage of former Chief Justice William Rehnquist's Arlington Cemetery funeral only served to confirm my bewilderment: How could an individual like Wagner who committed such heinous acts be placed in the same hallowed ground as Chief Justice Rehnquist, Justice Thurgood Marshall, President Kennedy, and hundreds upon hundreds of servicemembers to whom this country owes its eternal respect?

Russell Wayne Wagner's two life sentences carried with them the possibility of parole. The 1997 law only bars national cemetery interment to State capital offenders sentenced to death or life in prison without parole. Thus, we have our first example of the ''parole loophole.''

To further explore how wide the ''parole loophole'' is for State capital offenders, I asked the Congressional Research Service to analyze the sentencing of Dennis Rader, the infamous ''BTK serial killer,''—''BTK'' being short for Rader's method to dispose of his 10 victims: Bind, Torture, Kill. Rader was given ten consecutive life terms for which he must serve a minimum of 175 years in prison. However, because the Kansas law under which Rader was tried did not allow for a sentence of death, nor did it allow for a sentence of life without parole, CRS concluded that, as an honorably discharged veteran of the Air Force, ''it would appear that he is not statutorily precluded from interment in a national cemetery.'' If the 1997 law cannot prevent the interment of a notorious serial killer, then what good is it? I called a hearing in September to find an answer to that question.

The Committee heard from Mr. Vernon Davis, son of Wagner's victims, who described in vivid detail how Wagner repeatedly stabbed his elderly parents to death. I was so astounded that an individual who committed such a cowardly action could be buried at Arlington that I immediately introduced legislation—S. 1759—to have his remains removed.

The Committee also heard from VA and Arlington cemetery officials who described the process that is in place to deny burial in national cemeteries to capital offenders. Unfortunately, the process appears to be a passive one. The Deputy Superintendent at Arlington told me that Arlington officials do

not even ask whether a person on whose behalf burial is sought is a convicted capital offender. While I understand that finding out such information needs to be handled delicately and with tact, to have no screening process at all is unacceptable.

Finally, we heard the unified testimony of 5 veterans' organizations, who reminded us that decisions to take away benefits earned by virtue of honorable military service should never be made without careful, reasoned deliberation.

Based on the testimony from the Committee's hearing, I have joined with my colleagues from Kansas—Senators ROBERTS and BROWNBACK—in introducing this legislation today. Section 1 of the legislation would remove the language in law that provides capital offenders—like Wagner and the BTK Killer—with their continued burial eligibility. Furthermore, to address situations where a capital offender may have plea-bargained his or her way out of a death or life sentence, section 1 would remove the language in statute that ties the prohibition of cemetery burial to a capital crime sentence that was received and would replace it with language tying the prohibition to a capital crime sentence that may be received. This statutory language change would recognize that while the actual sentence for those who commit heinous acts may vary, the underlying action meriting those criminal sentences should be treated equally for purposes of burial prohibition.

Section 2 of the legislation would deny the provision of military honors and burial at a military cemetery of a person convicted of a Federal capital crime or a State capital crime for which a life sentence or the death penalty may be imposed. Section 3 would deny funeral honors—where at least two members of the Armed Forces are made available at veterans' funerals to fold and present the American flag, and play Taps—to those same persons, irrespective of whether burial is sought at national, state, or private cemeteries.

Finally, section 4 of the legislation would require the appropriate military service and VA to each prescribe regulations to ensure that a person is neither buried, nor provided funeral honors, before a good-faith effort is made to determine whether such person is ineligible as a capital offender.

This legislation is a necessary reform to the 1997 law. Let me be clear that while the effect of the legislation would be to take away benefits that were otherwise earned by honorable military service, the intent of it is not punitive. Rather, my intention is to preserve the dignity of America's national cemeteries.

President Lincoln delivered his Gettysburg Address at one of our Nation's first, and most revered, national cemeteries. Then he spoke of the ''honored dead'' who gave their ''last full measure of devotion.'' My legislation will ensure that we bring no dishonor to those who belong in our national cemeteries by inappropriately honoring those who, by their own actions, do not.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1813

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION AGAINST INTERMENT IN NATIONAL CEMETERY.

Section 2411 of title 38, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''for which the person was sentenced to death or life imprisonment''; and

(B) in paragraph (2), by striking ''for which the person was sentenced to death or life imprisonment without parole''; and

(2) in subsection (d)—

(A) in paragraph (1), by striking ''the death penalty or life imprisonment'' and inserting ''a life sentence or the death penalty''; and

(B) in paragraph (2), by striking ''the death penalty or life imprisonment without parole may be imposed'' and inserting ''a life sentence or the death penalty may be imposed''.

SEC. 2. DENIAL OF CERTAIN BURIAL-RELATED BENEFITS.

Section 985 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''who has been convicted of a capital offense under Federal or State law for which the person was sentenced to death or life imprisonment without parole.'' and inserting ''described in section 2411(b) of title 38.'';

(2) in subsection (b), by striking ''convicted of a capital offense under Federal law'' and inserting ''described in section 2411(b) of title 38''; and

(3) by amending subsection (c) to read as follows:

''(c) DEFINITION.—In this section, the term 'burial' includes inurnment.''.

SEC. 3. DENIAL OF FUNERAL HONORS.

Section 1491(h) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking '' means a decedent who—'' and inserting the following: ''—

''(1) means a decedent who—'';

(3) in subparagraph (B), as redesignated, by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(2) does not include any person described in section 2411(b) of title 38.''.

SEC. 4. RULEMAKING.

(a) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall prescribe regulations to ensure that a person is not interred in any military cemetery under the authority of the Secretary or provided funeral honors under section 1491 of title 10, United States Code, unless a good faith effort has been made to determine whether such person is described in section 2411(b) of title 38, United States Code, or is otherwise ineligible for such interment or honors under Federal law.

(b) DEPARTMENT OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall prescribe regulations to ensure that a person is not interred in any cemetery in the National Cemetery System unless a good faith effort has been made to determine whether such person is described in section 2411(b) of title 38, United States Code, or is otherwise ineligible for such interment under Federal law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 263—COMMENDING THE EFFORTS OF THE DEPARTMENT OF VETERANS AFFAIRS IN RESPONDING TO HURRICANE KATRINA

Mr. CRAIG (for himself and Mr. AKAKA) submitted the following resolution; which was considered and agreed to:

S. RES. 263

Whereas Hurricane Katrina physically devastated many areas in the States of Alabama, Mississippi, and Louisiana;

Whereas the Department of Veterans Affairs operates 11 medical centers, 18 community-based outpatient clinics, 3 regional offices, and 8 national cemeteries in the States of Alabama, Mississippi, and Louisiana;

Whereas the Department of Veterans Affairs evacuated over 1,000 patients, employees, and their families from facilities in the affected areas without any loss of life due to the evacuations;

Whereas over 1,000 employees of the Department of Veterans Affairs are volunteering to assist veterans and their families affected by Hurricane Katrina throughout the United States;

Whereas the Department of Veterans Affairs is providing shelter to over 550 staff and their families who have been displaced as a result of Hurricane Katrina;

Whereas patients and employees of the Department of Veterans Affairs in Texas provided extraordinary support and medical assistance to veterans, staff, and families affected by Hurricane Katrina and coordinated numerous medical efforts as part of the overall Federal Government response and recovery efforts in the Gulf Region; and

Whereas heroic actions and efforts on the part of numerous employees and volunteers of the Department of Veterans Affairs saved countless lives and provided immeasurable comfort to the victims of Hurricane Katrina: Now, therefore, be it

Resolved, That the Senate commends the employees and volunteers of the Department of Veterans Affairs, who risked life and limb to assist veterans, staff, and their respective families who were affected by Hurricane Katrina.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1929. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30 2006, and for other purposes; which was ordered to lie on the table.

SA 1930. Mr. LEVIN (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1931. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1932. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30 2006, and for other purposes; which was ordered to lie on the table.